



County of Los Angeles
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May 12, 2003

To: Supervisor Yvonne Brathwaite Burke, Chair
Supervisor Gloria Molina
Supervisor Zev Yaroslavsky
Supervisor Don Knabe
Supervisor Michael D. Antonovich

From: David E. Janssen
Chief Administrative Officer

MOTION TO SUPPORT AB 496 (CORREA), IF AMENDED--ITEM NO. 2, AGENDA OF MAY 13, 2003

Item No. 2 on the May 13, 2003 Agenda is a motion by Supervisor Knabe that the Board of Supervisors support AB 496 (Correa), which would establish the Santa Ana River Conservancy to acquire and direct the management of public lands in the Santa Ana River watershed, if it is amended; and instruct the County's Legislative Advocates in Sacramento to work with Assemblyman Correa to amend AB 496 as follows:

- Expand the Conservancy's Board from 13 to 15 voting members;
- Require that one of the added members be a Los Angeles County Supervisor and that the other be a representative from the San Gabriel Valley Council of Governments; and
- Prohibit the conservancy from entering into a joint powers authority or other authority that has the power to use eminent domain to acquire property.

AB 496 would create a Santa Ana River Conservancy (SARC), with powers and duties like those of the San Gabriel and Lower Los Angeles Rivers and Mountains Conservancy (RMC). It would have a governing board with 13 voting members and nine non-voting members. The voting members would include: the Secretary of the Resources Agency; the Director of Finance; one member each from the Boards of Supervisors from Orange, Riverside and San Bernardino Counties; one member each from the Orange, Western Riverside, and San Bernardino Councils of Governments;

one member from the Santa Ana Watershed Project Authority; one member from the San Manuel Band of Mission Indians and the Soboba Band of Luiseno Indians; and three members of the public, appointed by the Governor, the Speaker of the Assembly, and the Senate Rules Committee, with expertise in economic development, agriculture, conservation, wildlife, and natural resources. No voting members would be elected officials from the County of Los Angeles, and none of the non-voting members would represent any Los Angeles County departments or water districts.

Among the powers and duties authorized by AB 496, SARC would have the ability to acquire property for the purposes of SARC. However, the bill requires that such purchases be made from willing sellers, at fair market value, and that they be mutually beneficial to the seller and SARC. In addition, Chapter 3, Section 33841, (a), of the bill prohibits SARC and the State Public Works Board from exercising the power of eminent domain for land acquisition.

The County's State Legislative Agenda, adopted on February 11, 2003, includes policies that support the goals of watershed management, environmental restoration, recreation and open space, as well as proper flood control. Support of AB 496 is, therefore, consistent with Board policy. It is also the County's policy to oppose legislation that infringes upon the Board of Supervisor's local land use decision-making authority. Therefore, the recommended amendments related to expansion of SARC's governing board to 15 members are consistent with Board policy.

The Assembly Committee on Natural Resources passed AB 496 by vote of 9 to 3, on April 28, 2003. It has been re-referred to the Appropriations Committee, where it has been placed on the suspense file. No hearings have been scheduled for the bill. According to a committee staff analysis, supporters of AB 496 include the Center for Law in the Public Interest, the City of Santa Ana, the Mayor of Riverside, and the Trust for Public Land. The only recorded opposition is from the Transportation Corridor Agencies although it was reported in the "Press-Enterprise" that Orange County decided not to support the bill because SARC could interfere with plans to extend the 57 Freeway.

DEJ:GK
DRS:ib

c: Executive Officer, Board of Supervisors
County Counsel
Legislative Strategist